

**Related to Various Motions to Dismiss and the
Trustee's Consolidated Opposition Thereto
Hearing Date Pending**

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

.....	X	
SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
	:	
Plaintiff,	:	Adv. Pro. No. 08-1789 (SMB)
v.	:	
	:	SIPA LIQUIDATION
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	(substantively consolidated)
	:	
Defendant.	:	
.....	X	
In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
.....	X	
IRVING H. PICARD, Trustee for the Liquidation of	:	
Bernard L. Madoff Investment Securities LLC,	:	
	:	
Plaintiff,	:	
v.	:	Adv. Pro. No. 10-04363 (SMB)
	:	
SCHIFF FAMILY HOLDINGS NEVADA	:	
LIMITED PARTNERSHIP; et al.,	:	
	:	
Defendants.	:	
.....	X	

IRVING H. PICARD, Trustee for the Liquidation of	:	
Bernard L. Madoff Investment Securities LLC,	:	
	:	
Plaintiff,	:	
v.	:	Adv. Pro. No. 10-04718 (SMB)
	:	
THE JORDAN H. KART REVOCABLE TRUST; et	:	
al.	:	
	:	
Defendants.	:	
.....	:	X

**DECLARATION OF RICHARD A. KIRBY IN SUPPORT OF MOTION
TO INTERVENE**

I, Richard A. Kirby, hereby declare as follows:

1. I am a partner of K&L Gates LLP (“K&L Gates”) with offices located at 1601 K Street, NW, Washington, DC, 20006-1600, Washington, D.C. K&L Gates serves as counsel to a variety of defendants in avoidance actions, including the defendants in 1:10-ap-4387 (the “Lowrey matter”) and in 1:10-ap-5110 (the “Mesora matter”).

2. Defendants in the Lowrey matter asserted standing as an affirmative defense in their answer to the Trustee’s Complaint. Defendants in the Mesora matter have not yet answered, but intend to assert the same defense when and if they do.

3. Nick Cremona, counsel for the Trustee, has confirmed that the Trustee does not object to the filing of a motion to intervene in these motions to dismiss, and that that the Trustee will not require the permission of Chambers prior to the filing such motions. Movants previously raised with the Trustee and the Court their concern regarding being heard on legal issues of significant import to their cases, and understand that the Court’s preferred avenue is through a motion to intervene on discrete legal issues.

4. Counsel for defendants in *Picard v. Schiff Family Holdings Nevada Ltd.*, Adv. Pro. No. 10-04363 and *Picard v. The Jordan H. Kart Revocable Trust*, Adv. Pro. No. 10-04718 have also consented to the filing of the Motion to Intervene. Defense counsel have indicated that they do not object to intervention for the purposes of being heard on the standing issue.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2014
Washington, D.C.

By: s/ Richard A. Kirby
Richard A. Kirby